

Initial Evaluation - Contamination

Property:

216-224 Main Road Toukley and
21 Rowland Terrace Toukley

Applicant:

Rustrum Pty Ltd

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Document Control

Issue No.	Date	Author	
		Name	Reviewed
A	19/09/2014	Ian McNicol	Zac Smurthwaite

ADW Johnson Pty Limited
ABN 62 129 445 398

hunter region
7/335 hillsborough road
warners bay nsw 2282
ph. 02 4978 5100
fax. 02 4978 5199
email. hunter@adwjohnson.com.au

central coast
po box 3717
tuggerah nsw 2259
ph. 02 4305 4300
fax. 02 4305 4399
coast@adwjohnson.com.au

Table of Contents

DOCUMENT CONTROL	1
1.0 BACKGROUND	2
2.0 CONTAMINATION ASSESSMENT PROCEDURES.....	4
3.2 INITIAL EVALUATION BY THE PLANNING AUTHORITY	4
3.2.1 <i>Suggested Checklist for Initial Evaluation</i>	5
3.0 THE SITE.....	7
4.0 EVALUATION	9
5.0 CONCLUSION	11

1.0 Background

Rustrum Pty Ltd is proposing to rezone land to accommodate a key site development and related land swap with Wyong Shire Council.

Council is required to assess if the land is suitable for the proposed rezoning. There is the potential for former uses to render the land unsuitable for the uses under the new zoning where the land may be contaminated.

The procedure for the planning authority in assessing contamination issues is set out in Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land, DUAP/EPA 1998.

This report assesses the site in accordance with procedures set out in the guidelines.



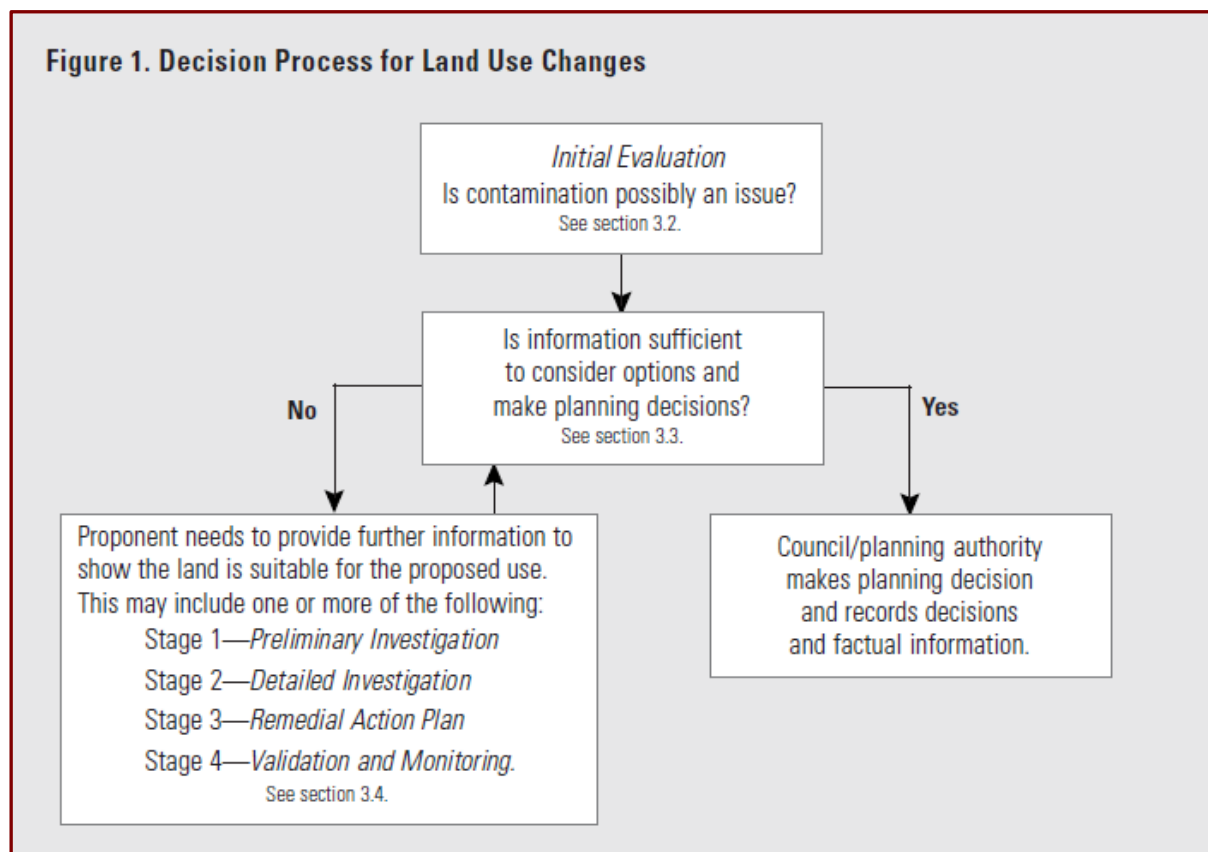
Figure 1: Part of the site showing the driveway to the former holiday units.



Figure 2: The part of park from the rotunda west is to be rezoned and swapped to become part of the Rustrum key site.

2.0 Contamination Assessment Procedures

The SEPP 55 guidelines set the decision making process for contamination.



In this case Council has advised that contamination is possibly an issue and that the available information is insufficient to make a planning decision.

The next step in the process is Stage 1 Preliminary investigation.

The guidelines provide the following advice.

3.2 INITIAL EVALUATION BY THE PLANNING AUTHORITY

An initial evaluation is essential to determine whether contamination is an issue and whether sufficient information is available to carry out a planning function in good faith. The purpose of the initial evaluation is for the planning authority, before a planning function is exercised, to determine whether land contamination is relevant to the decision being made and whether further information is required from the proponent.

*The initial evaluation can be based on **readily available factual information** and should be carried out **regardless of the nature of the proposed use or the current use**. Readily available information may include: current zoning and permissible uses, records from previous rezoning's, development applications and building applications for the site, property files, information*

provided by the proponent such as a development application or rezoning request or an investigation, and the knowledge of council staff. Information provided by the owner or proponent should be checked against information held by the planning authority on the subject land and, if available, adjoining properties.

If, after carrying out an initial evaluation, none of the enquiries suggest that the land might be contaminated or that further enquiry is warranted, the planning process should proceed in the normal way.

3.2.1 Suggested Checklist for Initial Evaluation

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes. The following is a brief checklist for doing an initial evaluation.

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results, including any previous initial evaluations?*
- Do existing records held by the planning authority show that an activity listed in **Table 1** has ever been approved on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)*
- Was the subject land at any time zoned for industrial, agricultural or defence purposes?*
- Is the subject land currently used for an activity listed in **Table 1**?*
- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation to any activity listed in **Table 1**?*
- Are there any land use restrictions on the subject land relating to possible contamination, such as notices issued by the EPA or other regulatory authority?*
- Does a site inspection conducted by the planning authority [optional] suggest that the site may have been associated with any activities listed in **Table 1**?*
- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?*

Table 1. Some Activities that may Cause Contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment

3.0 The Site

The site is part of vacant land and park on the foreshore of Budgewoi Lake west of the Toukley town centre.

The site under assessment comprises a number of parcels of land. The proposed development involves the following properties located at 216 - 224 Main Road and 21 Rowland Terrace, Toukley:

- Lots 2, 3 and 4 DP 406181;
- Lot 2 DP 213097;
- Lot 91 DP 565884; and
- Lot 5 DP 614932 (Council land).



Figure 3: The site on Main Road, Toukley (Image source <https://maps.six.nsw.gov.au/>).

A brief history of Toukley is below. There is no indication of any significant local industrial or agricultural activity.

Toukley emerged with the construction of the Sydney-Newcastle railway in the 1880s. A new emphasis on health and leisure in the culture brought visitors by boat, train and horse-drawn vehicle to the fishing, bathing and walking opportunities afforded by the lakes.

(source <http://www.centralcoastaustralia.com.au/info/towns/toukley/>).

The Rustrum lots were created in 1958 and 1973. The park lot was site was dedicated to Council prior to 1973. None of the lots comprising the site are identified by Council as being potentially contaminated land.

The 1984 topographic map of the area (based on 1980 aerial photography, see below) shows the site as being part of the Toukley town area.

The know history of the site is that it has been used as public park, for dwelling houses and for holiday apartments /cabins. All the buildings have been demolished. The only structure other than retaining walls and concrete slabs remaining is the rotunda on part of the park (see **figure 2**).

Geotechnical survey of the Rustrum site has been undertaken twice (refer to separate report by Coffey 2014). The geotechnical report has no indications of site disturbance or filling consistent with disposal of contaminated soils on the site.

Based on the available information the site has no history of potentially contaminating land use.

4.0 Evaluation

The SEPP 55 Guidelines evaluation criteria are addressed below.

- *Is the planning authority aware of any previous investigations about contamination on the land? What were the results, including any previous initial evaluations?*

There are no known previous initial investigations. Previous assessments of the site for development approvals (one major project approval and one consent for subdivision) have found no likelihood of contamination.

- *Do existing records, held by the planning authority, show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation).*

There are no records indicating potentially contaminating activities occurred on the site.

- *Was the subject land at any time zoned for industrial, agricultural or defence purposes?*

Almost certainly not given the central location in Toukley and the history of recreational and residential use of the area. However, The Planning Scheme Ordinance 3 September 1968 and IDO 58 and may have zoned the land non-urban or rural. Although agriculture was permitted without consent under non-urban and some rural zones it is likely that any agricultural use would have been limited to rough grazing. There is no record or evidence of agricultural use, buildings or structures on the site.

- *Is the subject land currently used for an activity listed in Table 1?*

No

- *To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation to any activity listed in Table 1?*

No

- *Are there any land use restrictions on the subject land relating to possible contamination, such as notices issued by the EPA or other regulatory authority?*

No

- *Does a site inspection conducted by the planning authority [optional] suggest that the site may have been associated with any activities listed in Table 1?*

No, there have been two prior assessments of the site by planning authorities for development approvals.

- *Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?*

No, based on the prior site approvals.

5.0 Conclusion

Under the SEPP 55 Guidelines the planning authority must establish if the land is suitable for rezoning.

The essential first step in the process is an initial evaluation by the planning authority undertaken in accordance with the SEPP 55 Guidelines.

The initial evaluation has identified that the subject land has a low likelihood of a history of potentially contaminating uses. The recent history is of public use, recreational and residential use.

Assessment using the initial evaluation criteria under the SEPP 55 Guidelines indicates that that contamination is not an issue for the site.